

**REMARKS/ARGUMENTS**

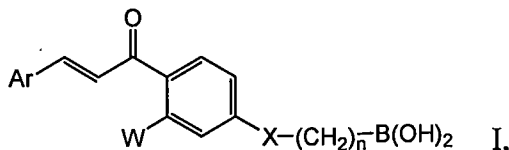
Applicants thank the Examiner for regrouping the claims as suggested in our previous Amendment of January 14, 2008.

By the present Amendment, claims 1-9 and 13 are pending in this application. Claims 10-12 and 15-21 are withdrawn from prosecution as being directed to non-elected subject matter. Claim 14 is canceled herein without prejudice or disclaimer. Applicants reserve the right to file one or more continuation, continuation-in-part and/or divisional application(s) directed towards any canceled subject matter. Claims 1, 9 and 13 are amended herein. Basis for these amendments may be found throughout the specification and claims as originally filed. No new matter has been added.

**35 U.S.C § 102**

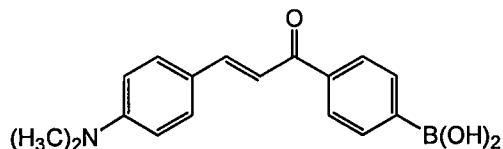
The Action has rejected claim 1 under 35 U.S.C § 102(a) as allegedly being anticipated by DiCesare et al. (Tetrahedron Letters (2002), 43(14), 2615-2618). Applicants respectfully disagree.

As amended herein, the claimed invention distinguishes over the cited reference by claiming compounds of Formula I:



wherein **Ar** is **aryl** or **heteroaryl**, each of which may be unsubstituted or substituted with a substituent selected from the group consisting of F, Cl, Br, I, alkyl, allyl, alkenyl, alkynyl, heteroalkyl, heteroallyl, heteroalkenyl, heteroalkynyl, alkoxy, heteroalkoxy,  $Z_n$ -cycloalkyl,  $Z_n$ -heterocycloalkyl,  $Z_n$ -OR<sup>1</sup>,  $Z_n$ -NO<sub>2</sub>,  $Z_n$ -CN,  $Z_n$ -CO<sub>2</sub>R<sup>1</sup>,  $Z_n$ -(C=O)R<sup>1</sup>,  $Z_n$ -O(C=O)R<sup>1</sup>,  $Z_n$ -O-alkyl,  $Z_n$ -OAr,  $Z_n$ -SH,  $Z_n$ -SR<sup>1</sup>,  $Z_n$ -SOR<sup>1</sup>,  $Z_n$ -SO<sub>2</sub>R<sup>1</sup>,  $Z_n$ -S-Ar,  $Z_n$ -SOAr,  $Z_n$ -SO<sub>2</sub>Ar,  $Z_n$ -Ar,  $Z_n$ -heteroaryl,  $Z_n$ -(C=O)NR<sup>1</sup>R<sup>2</sup>,  $Z_n$ -NR<sup>1</sup>(C=O)R<sup>1</sup>,  $Z_n$ -SO<sub>2</sub>NR<sup>1</sup>R<sup>2</sup>, PO<sub>3</sub>H<sub>2</sub>, and SO<sub>3</sub>H<sub>2</sub>; and W, X, and n are as described, having **anti-cancer activity**.

DiCesare does not disclose any such compounds. Instead, this reference discloses a compound of formula:



as a fluorescent probe for saccharides.

As shown above, the claimed compounds of Formula I do **not** include any compounds that are substituted with  $\text{-N(CH}_3)_2$ . Therefore, the claimed invention is not anticipated by DiCesare. Applicants respectfully request reconsideration and removal of this rejection.

### 35 U.S.C § 112

The Action has rejected claims 1, 13 and 14 under 35 U.S.C § 112, first paragraph because the specification, while being enabling for compounds of Formula I and their pharmaceutically acceptable salts thereof, and for treating human breast cancer, allegedly does not reasonably provide enablement for the resolved enantiomers, diastereomers, solvates of compounds of Formula I and for treating any tumor or any cancer including cervical, stomach, colon, bladder, rectal, liver, pancreatic, lung, cervix uteri, corpus uteri, ovary, prostate, testis, renal, brain/cns, head, neck, throat, anal and oral cancers, eye or ocular cancer, skin melanoma, Ewing's Sarcoma, Kaposi's Sarcoma, basal cell carcinoma and squamous cell carcinoma, small cell lung cancer, mouth/pharynx, esophageal, larynx, kidney and lymphoma, acute lymphocytic leukemia, and acute myelogenous leukemia.

Applicants respectfully disagree that the specification does not enable the full scope of the claimed invention, however, for business considerations and in an effort to expedite prosecution of this application, the claims have been amended as follows:

As amended herein, claim 1 is directed to a compound of Formula (I), or a pharmaceutically acceptable salt thereof, which renders the rejection of this claim moot.

As amended herein, claim 13 is directed to a method of treating breast cancer in a patient in need thereof comprising administering to said patient an effective amount of a

compound of Formula (I), or a pharmaceutically acceptable salt thereof, which renders the rejection of this claim moot.

Claim 14 is canceled herein, which renders the rejection of this claim moot.

Applicants respectfully request reconsideration and removal of these rejections.

**Claim Objections**

The Action has objected to claims 2-9 as allegedly being dependent upon a rejected base claim, i.e. claim 1, but would be allowable if rewritten in independent form.

The Action has also objected to claim 14 because there is no period (.) at the end of the claim.

Applicants respectfully submit that the amendments to claim 1 and the cancellation of claim 14 renders the objection of these claims moot. Applicants respectfully request reconsideration and removal of these objections.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 20350.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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